

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF GEORGIA
AUGUSTA DIVISION**

**THOMPSON BUILDING WRECKING
COMPANY, INC., et al.**

Plaintiff,

vs.

AUGUSTA, GEORGIA,

Defendant.

**CIVIL ACTION NO.
1:07-cv-00019-BAE-WLB**

Consent Order and Judgment Approving Settlement and Modifying Injunction

It appearing to the Court that the parties Plaintiff Thompson Building Wrecking Company, Inc. and Defendant Augusta, Georgia have reached a settlement of the remaining issues pending in this Court, the same is hereby approved. Pursuant to such settlement, and for good cause shown, the preliminary injunction entered by this Court on March 14, 2007, made permanent by the Court on November 13, 2007, shall be and is hereby vacated, and replaced with the following injunction:

Augusta, Georgia is hereby ENJOINED from evaluating or awarding bids or other contracts on the basis of the bidder's status as a Disadvantaged Business Enterprises ("DBE") or Minority Business Enterprises ("MBE") (or any other entity that qualifies as a DBE or MBE based on the racial composition of its ownership).

This prohibition does not apply to DBE or MBE requirements imposed by state or federal laws, regulations, agencies, or grant agreements.

This prohibition also does not bar Augusta from enacting a prospective, narrowly tailored DBE or MBE program or policy as permitted under rulings of the United States Supreme Court.

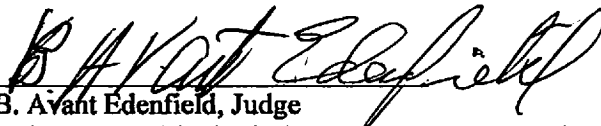
Augusta shall be free to conduct such studies as may be necessary to support a future DBE or MBE program or policy that complies

with the above exceptions. Before Augusta may enact such a program or policy it must notify electronically or by U.S. mail all businesses on the then-current vendor list and constructively notify the public via a reasonably visible hyperlink on its homepage entitled "Proposed Legislation Enacting Disadvantaged Business Enterprise or Minority Business Enterprise Program." On this vendor list, Augusta must maintain the contact information provided by any businesses or individuals who have expressed an interest in contracting with Augusta, by registering their business information with the Department of Procurement, for 36-months. The notice on Augusta's website must include the text of its intended legislation and the related Disparity Study. Before Augusta may enact such a program or policy it must also provide the public an opportunity to be heard at an open meeting of the Augusta-Richmond County Commission, to take place no sooner than thirty days after the vendor list notification has taken place. Augusta may rely upon the contact information that interested parties supplied the city when they registered with the Department of Procurement in providing electronic or mailed notice.

Augusta shall, within 3 days of the date of this Order, post a copy of this Order, and the Court's March 14, 2007 Order, in portable document format ("PDF") on Augusta's homepage via a reasonably visible hyperlink entitled "Court Order Enjoining Local DBE Program."

This injunction is binding upon Augusta's officers, agents, servants, employees, and attorneys, and upon those persons in active concert or participation with it who receive actual notice of this injunction by personal service or otherwise. *See* Fed. R. Civ. P. 65(d).

This 21 day of July, 2011.


B. Avant Edenfield, Judge
United States District Judge
Southern District of Georgia